IN THE HIGH COURT OF JUDICATURE AT BILASPUR(CHHATTISGARH)

WRIT PETITION NO. 2461 OF 2003

PETITIONERS : 1. Gram Panchayat Bakulwahi, through Sarpanch, Manobai Bhoyar aged about 28 years, wife of Gangadhar Bhoyar resident of Bakulwahi, Tehsil-Narayanpur, District-Bastar,(C.G.)

: 2. Up-Sarpanch Gram Panchayat Bakulwahi Keshav Ram Nang,son of Salikram Nang, aged about 35 years, resident of Bakulwahi, Tehsil Narayanpur, District-Bastar(C.G.)

P. R. No. 2460/03
Presented by Shri Aman Kashyap
dated 07/08/03

V_E_R_S_U_S

RESPONDENTS : 1. State of Chhattisgarh, through Sub Divisional Officer(Revenue) Narayanpur, District-Bastar,(C.G.)

: 2. Girjashankar, son of Murharam, aged about 26 years,.

: 3. Jageshwar,son of Chaitan Singh, aged about 22 years.

: 4. Birmal Patra,son of Dayaram, aged about 22 years.

: 5. Sukhlal, son of Rup Sai aged about 26 years.

: 6. Ashok Bhoyar, son of Pancham Bhoyar, aged about 23 years.

: 7. Narottam Bhoyar,son of Biharilal aged about 22 years.

Respondent No.2 to 7 residents of Bakulwahi & Belgaon,Tehsil-Narayanpur,District-Bastar,(C.G.)

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शपथ आयुक्त एस.के शुक्ला बिलासपुर (छ.ग.) 19/7/03

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

...2...

XI-HC-22

(97)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 2461/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

30.8.2003:

Shri Yogesh Pandey counsel for the petitioners.

Shri Pravin Das PL for the respondent No.1/State.

Heard both the counsel.

By this writ petition under Articles 226/227 of the Constitution of India the petitioners have challenged the order dated 9.7.2003 passed by the Prescribed Officer/ Sub Divisional Officer whereby the learned SDO has set aside the appointment of the Panchayat Karmi made by the Panchayat.

Counsel for the petitioners submits that Rule 3 of the M.P.Panchayat (Appeal and Revision) Rules 1995 prescribes that " Save where it has been otherwise provided in the Act or rules or bye-laws made there under, an appeal shall lie-

(a) in the case of an order passed by the Sub Divisional officer under any provision of the Act or rules or byelaws made there under, to the Collector".

Therefore, in this case the alternative and efficacious remedy is available to the petitioners. In fact, instead of moving this Court in the extra ordinary jurisdiction under Articles 226/227 of the Constitution of India, the petitioners ought to have moved the Collector in appeal which they have not done.

[पीछे देखिये

(37)

(58)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
5401-	Thus, in view of above, I am of the opinion that this petition is liable to be dismissed on the ground that the petitioners have an alternative and efficacious remedy of approaching the collector in appeal. The petition is accordingly dismissed. Sd/- L.C. Bhadoo Judge	